

REMARKS

Claims 1-3, 5-8 and 10-16 are pending in the present application. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks set forth below.

Rejections under 35 U.S.C §112 second paragraph

Claims 1-3, 5-8 and 10-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

By way of the present amendment, Applicants have modified the claims to meet the Examiner's requirements. Applicants have attempted to make it clear that the various recited elements are part of a kit and that it is not intended to claim the subcombination. Accordingly, Applicants have utilized the verb forms such as for using, fixable, etc. Applicants have also provided antecedent basis where required. Applicants have also attempted to change improper procedural steps to functional phrases. Applicants submit that the claims now overcome all of the problems pointed out by the Examiner.

In regard to claim 5, the Examiner states that there is no antecedent basis for limitation of the overspeed governor. Applicants submit that antecedent basis for the overspeed governor is found in claim 1. The remaining language has been changed to avoid any problem.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-8 and 10-13 stand rejected under 35 U.S.C. § 102 as being anticipated by Klein (U.S. Patent 5,230,404). This rejection is respectfully traversed.

The Examiner states that KLEIN shows suspension elements (12) fixed to a ceiling (11), suspension means (13), hoisting device (14), an elevator car (4) with a roof (5), an overspeed governor (17) suspension means (13) and a further suspension element (18). The Examiner also identifies the mounting tool bar as (16) and the means for mounting (11) the suspension means (13). Applicants submit that the present claims, as amended, are not anticipated by this reference.

Applicants have now further clarified the invention by way of the present Amendment. In regard to the suspension elements, Applicants have now made it clear that in addition to the elements being fixable to the ceiling or wall of the elevator shaft, that these elements are for temporary support during installation of the elevator. This differs from the KLEIN reference where a permanent fixture has been installed. Thus, in KLEIN the support member (11) is connected to angle member (16) which apparently are part of the permanent structure of the elevator. The various elements such as the deflecting roller 12, cable drum 18 and speed governor 17 are mounted by way of this permanent structure. In the present application, the suspension element 16, 17 and 19 are not permanently installed supports for the elevator machinery, but rather temporary devices used for suspending the various components during the installation of the elevator. Applicants submit that the present language of claim 1 now makes it clear that these devices are for temporary support.

The Examiner has also identified the elevator car 4 having a roof 5 which can be used to install equipment. In fact, KLEIN teaches that a scaffolding having a first working platform 4 is placed on cross beam 30 while the second platform is placed on upper cross beam 31. Additional scaffolding platforms are also possible. Applicants submit that this does not constitute an elevator car. In the present application it is not necessary to build a separate scaffolding device but instead the permanent elevator car is used to help with the installation. Accordingly, Applicants submit that this features is also not seen in the reference.

Furthermore, it is not seen that Klein discusses the possibility of providing a kit at all. Instead, many of the parts of Klein are used as part of the permanent installation and thus a kit is not desirable. In view of the above, Applicants submit that claim 1 is allowable.

Claims 2, 3, 5-8 and 10-16 are dependent from claim 1 and as such are also considered to be allowable. In addition, each of these claims have other features that make them additionally allowable. Thus, Claim 2 now described a manually operated mounting tool. This refers to the tool 24 which can be used to reach across the elevator shaft to suspend a hoisting device from the suspension element. This avoids the need for placing a platform over the shaft. The Examiner has referred to angle member 16 as being this mounting tool bar. Applicants submit that this is not a tool at all, but rather a permanent bracket for holding the elevator machinery. Further, Applicants have now added the limitation "manually operated" to make it clear that this a tool which is operated by the installer. Applicants submit that Klein does not teach this feature.

Furthermore, claim 3 further describes the tool as having one end for mounting the suspension means.

Likewise, claim 5 now refers to the manually operated mounting tool so that claims 5 and 6 have similar limitations. Other claims similarly include other limitation not seen in the references.

Rejections under 35 U.S.C § 103

Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Klein. This rejection is respectfully traversed.

The Examiner states it would be obvious to provide a safety gear in the form of pedal operated switches. Applicants submit that even if this feature is obvious, this claim remains allowable based on its dependency from allowable claim 1.

CONCLUSION

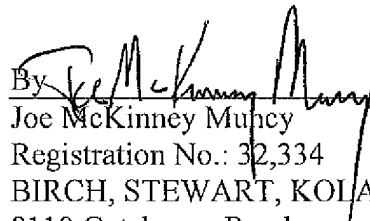
In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejection and allowance of all the claims is respectfully requested

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 24, 2007

Respectfully submitted,

llh
By 
Joe McKinney Muncy
Registration No.: 32,334
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants